

July 25, 2012

Senator Andrew W. Roraback
Representative Paul Davis
Legislative Regulation Review Committee
State Capitol, Room 011
Hartford, CT 06106

Re: Resubmission of Air Quality Proposal to Reduce Regulatory Burdens; No. 2012-21a

Dear Senator Roraback and Representative Davis:

Pursuant to section 4-170 of the Connecticut General Statutes, I resubmit for your consideration and approval the enclosed proposal to amend or repeal certain of the air quality regulations, thereby reducing regulatory burdens on Connecticut businesses and administrative burdens on the Department of Energy and Environmental Protection (DEEP).

This resubmission includes all of the technical revisions recommended in the Legislative Commissioners' Office (LCO) report. The LCO report also included a single substantive concern about the lack of statutory authority for a group of changes to DEEP's Stage II gasoline vapor recovery regulation. DEEP addressed this concern by removing the proposed revisions to the Stage II regulation from this resubmission. DEEP is planning a significant revision to the Stage II vapor recovery program as a result of recent federal determinations, and DEEP will address issues of legal authority as part of that revision. A detailed explanation of the actions taken in response to the LCO report is set out in the table attached to this letter.

With the removal of the Stage II vapor recovery program elements, this submission has three components:

- The repeal of non-core air quality programs;
- The addition of fine particulate matter requirements to DEEP's new source review permitting program, to retain federal program approval; and
- Additional compliance options for vehicle manufacturers under DEEP's low emission vehicle program.

An explanation of each component and reasons supporting the action are set out in the statement of purpose at the end of the regulatory text.

If there are any general questions regarding this submission, please contact Robert LaFrance, DEEP's Legislative Liaison, at 860-424-3401 (office) or 860-622-1797 (cell). If you have any substantive or rule drafting questions, please contact Merrily A. Gere of the Bureau of Air Management at 860-424-3416. Thank you for your assistance with this matter.

Sincerely,

/s/Daniel C. Esty
Commissioner

cc: Robert LaFrance, DEEP

**Revisions in Response to the Report of the Legislative Commissioners Office
LRCC No. 2012-21a**

LCO Report	Action Taken
<p><i>Substantive Concern:</i></p> <p>On page 7, in section 22a-174-30(b)(7) it is unclear under what authority the department is exempting rental, corporate or commercial vehicle fleets from the stage II vapor control requirements set forth in section 22a-174 of the general statutes. Section 22a-174e of the general statutes requires stage II gasoline vapor recovery systems for all gasoline pumps at any gasoline dispensing facility newly constructed on or after July 1, 1992, that dispenses more than ten thousand gallons of gasoline per month, or at any such facility where the gas tanks are replaced after said date.</p>	<p>All of the proposed revisions to the Stage II vapor control requirements have been removed from the resubmission. The requirements eliminated were in sections 7 through 12 of the original submission.</p> <p>The sections of this resubmission have been re-numbered given the removal of the Stage II vapor recovery provisions.</p>
<p><i>Technical Concerns</i></p>	
<p>On page 1, in section 22a-174-1, references to subdivision (60) should be to subdivision (62) for accuracy.</p>	<p>The catchline and revision have been changed to refer to subdivision (62).</p>
<p>Throughout the proposed regulation, when the agency is amending a portion of a table and not the entire table, the agency should bracket the portion being amended and show the new language by underlining rather than rewriting the entire table and underlining existing language. For example, on page 1, in table 3a(i)-1, the only change to the table is that the agency is adding a new cell regarding PM 2.5, and that portion should be underlined and the existing material should not be underlined or bracketed for proper form. The same would apply to sections 3 and 4 of the proposed regulation.</p>	<p>In sections 2, 3 and 4 of the resubmission, the proposed deletion of a table and replacement with a new table have been changed as recommended in the comment. Sections 2 through 4 now represent the changes to the table as bracketed and underlined text.</p>
<p>On page 4, in section 22a-174-3a(l)(1), throughout the subdivision, references to "area is designated nonattainment" should be "area is designated as nonattainment" for proper grammar.</p>	<p>The phrase was revised in section 22a-174-3a(l)(1) in each instance in which it appears.</p>
<p>On page 4, in section 22a-174-3a(l)(1)(C), in the second line "but" should be "where" for proper grammar, in the fourth line "will" should be "shall" in accordance with the committee's directive regarding mandates and in the next to last line, "levels" should be "the levels" for proper grammar.</p>	<p>All of the recommended revisions to section 22a-174-3a(l)(1)(C) were made as recommended.</p>
<p>On page 6, in section 22a-174-30(a)(4), "another organization" should be "other organization" for proper form.</p>	<p>The proposed revisions to section 22a-174-30(a) were eliminated from the resubmission.</p>
<p>On page 7, in section 22a-174-30(a)(7), "or [Operator] operator" should be "or operator" to accurately reflect the text of the existing regulation.</p>	<p>The proposed revisions to section 22a-174-30(a) were eliminated from the resubmission.</p>
<p>On page 7, in section 22a-174-30(b), to add an additional subdivision to said subsection as well as to amend an existing subdivision of said subsection the agency should set forth the text of the entire subsection (b) for proper form and accuracy.</p>	<p>The proposed revisions to section 22a-174-30(b) were removed from the resubmission.</p>

(Continued)

LCO Report	Action Taken
On page 8, in section 22a-174-30(e)(2), in the fourth line, "within three years of" should be "not later than three years after" for clarity, and the same change should be made in the sixth line to "within 45 days of".	The proposed revision of section 22a-174-30(e)(2) were removed from the resubmission.
On page 8, in section 22a-174-30(e)(5), "Division" should be deleted for proper form and consistency with the existing regulation.	The proposed addition of subdivision (5) to section 22a-174-30(e) was removed from the resubmission.
On page 8, in section 22a-174-30(e)(5), the references to "such a written report" and "such a report" should be "such report" for proper form.	The proposed addition of subdivision (5) to section 22a-174-30(e) was removed from the resubmission.
On page 9, in section 22a-174-30(e)(5)(B), "Connecticut Agencies" should be "Connecticut State Agencies" for proper form and "any applicable statute" should be "any other applicable statute" for clarity.	The proposed addition of subdivision (5) to section 22a-174-30(e) was removed from the resubmission.
On page 10, in new subdivision (1), the existing reference to "Code of California Regulations" should be " [Code of] California Code of Regulations" for accuracy and consistency.	The revision to section 22a-174-36b(n)(1) was made as recommended.
An additional section, section 22a-174-8(b)(1), should be added to the regulation to bracket a reference to the repealed section 22a-174-17, for proper form.	The recommended revision to section 22a-174-8(b)(1) was added as new section 10 of the resubmission.